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COMMITTEE ON THE ELIMINATION OF
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Azerbaijan

1. The Committee considered the initial report of Azerbaijan (CEDAW/C/AZE/1) at its 361st, 362nd and 367th meetings on 20 and 23 January 1998.

2. The Committee was informed by the representative of the Government that 20 January was the Azeri national day to commemorate the victims of totalitarianism. The outcome of the struggle for independence was the adoption by the Supreme Soviet of the Azerbaijani Republic of the Declaration on the Restoration of the State Independence of the Azerbaijani Republic, on 30 August 1991, and the Constitutional Act of State Independence, on 18 October 1991.

3. The implementation of socio-economic and political reforms commenced upon independence, but, according to the representative of the Government, the situation in the country had been affected by the socio-economic crisis and the

consequences of Armenia's armed aggression, which had had an impact on the whole population. In addition, 85 per cent of the population remained below the poverty line. There was also a large population of refugees and displaced persons, including women and children.

4. In spite of those difficulties, the Government attached great importance to the implementation of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which the Government had acceded without any reservations in June 1995. The Fourth World Conference on Women (Beijing, 4-15 September 1995) and the follow-up implementation at the national level had also been important in the context of women's rights in Azerbaijan.

5. The initial report of Azerbaijan was prepared one year after its accession to the Convention during a period of economic difficulties, the occupation of 20 per cent of the territory of Azerbaijan and the existence of more than a million refugees and displaced persons. Those factors had had a negative effect on the implementation of the Convention.

6. The representative of Azerbaijan provided a comprehensive retrospective analysis of the changes in the situation of women in the country and paid tribute to the contributions of prominent women in that process.

7. A special State committee on women's issues had been established recently, and the Government was actively pursuing the policy of equal rights and equal opportunities. That approach formed the basis for interaction with non-governmental organizations.

8. The Committee was informed that the new Constitution, adopted in 1995, underscored the principle of equality of human rights of men and women. De jure, women enjoyed full guarantees of human rights and freedom from discrimination. The difficult socio-economic situation, however, had resulted in a severe decline in the standard of living and an increase in the unemployment rate. This had resulted in widespread poverty among women and men. The high rates of infant and maternal mortality were also issues of great concern.

9. A majority of women in Azerbaijan had achieved a high level of education, and since 1996 the number of women seeking higher education had exceeded that of men. However, more women than men were unemployed, and there were fewer women than men at all levels of decision-making. Women constituted 12 per cent of all deputies in the Parliament and 20 per cent among managers in decision-making positions. Women in the labour market were usually concentrated in health care, social welfare, education and culture.

10. The Government of Azerbaijan was particularly concerned about the large number of refugees and displaced persons in the country, where women and children constituted the majority. Currently, the Government was implementing a wide set of measures aimed at the integration of refugee and displaced women into social and economic life.

11. The Government of Azerbaijan recognized that much remained to be done in order to achieve full equality between women and men. In that regard, the Committee was assured of the willingness of the Government to continue to undertake all the necessary measures to implement the obligations of the Convention.

Concluding comments of the Committee

Introduction

12. The Committee expressed its appreciation to the Government of Azerbaijan for ratifying the Convention without reservations after the proclamation of its independence.

13. The Committee appreciated the submission of the report one year after the ratification and welcomed the supplementary information given to it in an excellent oral presentation by a high-level delegation.

Factors and difficulties affecting the implementation of the Convention

14. The Committee recognized that Azerbaijan was facing economic, social and political challenges as a result of its post-war condition, the high number of refugees and the transition to democracy and a market-oriented economy. In that connection, it noted that the State party was undergoing severe economic and social problems that had a negative impact on the whole population, 85 per cent of which lived below the poverty line. Such a situation affected women in particular, who were the majority of the population as well as the majority of refugees and displaced persons, and impeded full implementation of the Convention.

Positive aspects

15. The Committee noted with appreciation the ratification of the Convention without reservations as well as the accession of Azerbaijan to other relevant human rights treaties.

16. The Committee also expressed its satisfaction at the fact that the Convention had been translated into Azeri and widely disseminated.

17. The Committee took note of the willingness expressed by the State party's delegation to strengthen the national machinery for the advancement of women and to engage non-governmental organizations in the realization of the goals of the Platform for Action adopted by the Fourth World Conference on Women.

18. The Committee noted the high number of women involved in the professional and cultural life of the country and the relatively high percentage of women in the decision-making process.

19. The Committee welcomed information on the establishment, with the help of the United Nations Children's Fund, of six regional family-planning centres that would provide a larger number of women and men with assistance in matters of reproductive health.

20. The Committee also welcomed information on the establishment, in the near future, of a women's bank to provide loans and credits for small enterprises organized by women.

Areas of concern

21. The Committee was concerned by the fact that although the Constitution proclaimed that men and women had equal rights and freedoms, there was no definition of discrimination either in the Constitution or in the laws, and there were no mechanisms to strengthen the prosecution of discriminatory practices against women.

22. The Committee was concerned that, although Azerbaijan was a secular State in which the provisions of the Convention should be relatively easy to implement, there was as yet insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and to avoiding the danger of the insurgence of fundamentalist tendencies, which thus impeded the full implementation of the Convention, particularly its article 5 (a).

23. The Committee regretted that the role of national machinery had not yet been clearly identified so as to permit a consistent and comprehensive strategy for the full involvement of women in the development process of the country.

24. The Committee noted with concern discrepancies that still existed between de jure and de facto equality, particularly in the context of the implementation of articles 10 and 11 of the Convention, and the great number of highly educated women who were below the poverty line.

25. The Committee was particularly worried about the high level of maternal as well as infant mortality and the fact that there was insufficient recourse to international emergency aid in that field.

26. The Committee expressed its concern at the fact that article 4 of the Convention had not been used to eliminate the gap of inequality between women and men, particularly in the context of the integration of women into employment and with regard to assistance for displaced and refugee women.

27. The Committee was concerned by the fact that although women's rights, as set out in article 11 of the Convention, were guaranteed, there was a growing percentage of unemployment among women and that no measures had been introduced to address that situation.

28. The Committee was seriously concerned that insufficient efforts had been introduced to combat violence against women, particularly in the light of the fact that socio-economic and physical hardships usually increased the incidence of violence, particularly in the domestic sphere.

29. The Committee expressed serious concern with regard to the situation of women victims of prostitution and trafficking. The Committee had the impression that the content and the implementation of legislation to address those problems could be discriminatory and might not always respect the rights of victims or produce positive results. For example, the Committee noted that forced medical

control of prostitutes, where such measures were not implemented with respect for the clients, was discriminatory and might be counterproductive.

30. The Committee was alarmed by the widespread use of abortion as a basic means of family planning. It was also concerned about the general health situation of women, particularly in the light of the spread of tuberculosis and other contagious diseases.

31. The Committee expressed its concern with respect to the situation of women in rural areas, particularly with regard to basic health protection and education.

32. While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the Committee expressed its concern with respect to the precarious material and psychological conditions of women refugees. It also noted that insufficient attention had been given to refugee women, including through failure to seek the support of relevant international agencies.

Suggestions and recommendations

33. The Committee encouraged the Government of Azerbaijan, through appropriate legislation, to identify the role of the national machinery for the advancement of women and to provide it with the necessary human and budgetary resources.

34. The Committee recommended that the Government take the steps necessary to ensure respect for and the effective implementation of the provisions contained in the Convention. Accordingly, it recommended that the provisions of the Convention be reflected in legislation, particularly that concerning health, education and labour.

35. The Committee encouraged the elaboration of a National Plan of Action for the implementation of the Beijing Platform for Action and suggested close and enhanced cooperation with the human rights non-governmental organizations and other representatives of civil society to enhance gender awareness and in the campaign to combat traditional stereotypes regarding the roles of women and men.

36. The Committee recommended that appropriate institutions consider the utility and necessity of affirmative actions, particularly to encourage greater participation of women in decision-making bodies.

37. The Committee further recommended the elaboration of adequate family-planning programmes, with the help of the United Nations Population Fund, so as to avoid the use of abortion as a means of family planning and thereby diminish the risks of maternal mortality due to unsafe abortions.

38. The Committee recommended that the Government review the legislation relating to the exploitation and trafficking of women so as to eliminate the discriminatory content of such legislation.

39. The Committee further recommended that migrant women be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

40. The Committee recommended that the provisions of the Convention be widely publicized among the public in general and, in particular, among teachers, social workers, law enforcement officials, prison staff, medical personnel, judges and members of other professions who are concerned with the implementation of the Convention.

41. The Committee recommended the introduction of human rights education, including the Convention, in schools and universities.

42. The Committee requested the wide dissemination in Azerbaijan of the present concluding comments in order to make the people of Azerbaijan aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard.